

REMARKS

Favorable reconsideration of this application, in view of the preceding amendments and following remarks, is respectfully requested.

Claims 1-4, 6, 8, 9 and 14-36 are pending in this application. Claims 1, 6, 8, 9 and 16-19 are amended, and claims 5, 7 and 10-13 are cancelled. Claims 20-36 are added by this amendment.

Applicants acknowledge with appreciation the Examiner's indication that the drawings filed March 29, 2004 were accepted by the United States Patent and Trademark Office (USPTO) and that certified copies of the priority documents were received by the USPTO.

Claim Rejections under 35 U.S.C. § 102

Claims 1-19 stand rejected under 35 U.S.C. § 102(e) as anticipated by Okada (U.S. Pub. No. 2002/0046328). Applicants respectfully traverse this rejection as detailed below.

Initially, Applicants note that amended claim 1 is directed towards a recording medium having a data structure including a data area and a navigation area for managing reproduction of at least video data representing multiple reproduction paths. In particular, claim 1 recites "a navigation area storing at least one navigation list, the at least one navigation list including one or more navigation data items ..., at least one navigation data item referencing more than one map, each map being associated with one of the files and providing position data for the video data of the associated file." Applicants respectfully submit that at least the above-emphasized feature of amended independent claim 1 and the similar features of amended independent claims 16-19 patentably distinguish the pending claims of this application over Okada as further detailed below.

In the art grounds of rejection, the Examiner relies on paragraphs 0313-0315 and 0323-0324 along with FIGs. 41-44 of Okada as disclosing a navigation area including a navigation list, a navigation data item and a map.¹

However, even if Okada does disclose a navigation area including navigation information, a navigation list, a navigation data item and a map, which the Applicants do not admit, Okada fails to even mention relationships between the allegedly disclosed navigation list, navigation data item and map. Okada certainly does not disclose that at least one navigation data item references more than one map.

Therefore, Applicants respectfully submit that Okada at least fails to disclose, teach or suggest “a navigation area storing at least one navigation list, the at least one navigation list including one or more navigation data items ..., at least one navigation data item referencing more than one map, each map being associated with one of the files and providing position data for the video data of the associated file,” as recited in amended independent claim 1 and the similar features of independent claims 16-19.

In light of the above, Applicants respectfully request that the rejection of independent claims 1 and 16-19, as well as the claims depending therefrom, under 35 U.S.C. § 102(e) be withdrawn.

Further, if the Examiner finds the above arguments unpersuasive, Applicants respectfully request that the Examiner clarify the specific portions of Okada believed to correspond to the at least one navigation list, one or more navigation data items, and plurality of maps recited in the claims.

¹ Office Action mailed September 8, 2006, page 3, lines 1-12.

Claim Rejections under 35 U.S.C. § 101

Claims 1-15 stand rejected under 35 U.S.C. § 101 because the claims are directed to a recording medium storing nonfunctional descriptive material. Applicants respectfully traverse this rejection as detailed below.

Initially, Applicants respectfully note that the Examiner has incorrectly characterized the recording medium as storing nonfunctional descriptive material. The Manual of Patent Examining Procedure (MPEP) provides guidance on the difference between “nonfunctional descriptive material” and “functional descriptive material”. In particular, MPEP § 2106(IV)(B)(1) states the following.

In this context, “function descriptive material” consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of “data structure” is “a physical or logical relationship among data elements, designed to support specific data manipulation functions.” The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) ‘Nonfunctional descriptive material’ includes but is not limited music, literary works and a compilation or mere arrangement of data.

Accordingly, Applicants respectfully submit that it is clear that the “recording medium having a data structure for managing reproduction of at least video data representing multiple reproduction paths” recited in independent claim 1 is a recording medium storing functional descriptive material.

Further, MPEP §2106(IV)(B)(1)(a) clearly states regarding functional descriptive material that “a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure’s functionality to be realized, and is thus patentable.” Accordingly, because the recording medium recited in claim 1 includes a data structure having a data area and navigation area allowing data to be obtained from or stored in

the data area of the recording medium, claim 1 is clearly directed towards patentable, statutory subject matter.

In light of the above, Applicants respectfully request that the rejection of independent claim 1, and claims depending therefrom, under 35 U.S.C. § 101 be withdrawn.

New Claims

Claims 20-36 are newly added and are believed to be in condition for formal allowance. Further, Applicants respectfully note that newly added dependent claims 21-36 are similar to claims 2-3, 6, 8 and 14-15, which depend from claim 1.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of each of claims pending in this application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By


Gary D. Yacura, Reg. No. 35,416

55,149

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

GDY/SAE/ame